

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Caroen et al.	
Application No.: 10/549,551 (371 of PCT/GB2004/000878)	
Filed: September 19, 2005	Group Art Unit: 3654
Title: A Containment Device	Examiner: T Brahan
Attorney Docket No.: URQU.P-019	Conf. No.: 3821

RESPONSE AFTER FINAL REJECTION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is response to the Official Action mailed December 17, 2008 for the above-captioned application. Reconsideration of the application as amended is respectfully requested.

Applicants request an extension of time sufficient to make this paper timely, and enclose the fee.

Claims 5, 10-12 and 24 stand rejected as obvious over Tremblay in view of Nicholas. Claims 3 and 4 stand rejected as obvious over this combination, further in view of Gray. Claims 7 and 8 stand rejected as obvious over the combination of Tremblay and Nicolas, further in view of Compeau or Takeda. Claims 13 and 19 stand rejected as obvious over Trembaly and Nicholas, further in view of Burton. Applicants again traverse these rejection.

In order to present a prima facie case of obviousness, the Examiner must addresses each and every limitation in the claims. Indeed, as recently observed by the BPAI,

When determining whether a claim is obvious, an examiner must make “a searching comparison of the claimed invention - *including all its limitations* – with the teaching of the prior art.” *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, “obviousness requires a suggestion of all limitations in a claim.” *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342

(Fed. Cir. 2003) (citing *In re Royka*, 490 F.2d 981, 985 (CCPA 1974)). Moreover, as the Supreme Court recently stated, “there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR Int’l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added)).

Ex Parte Wada and Murphy, Appeal 2007-3733, January 14, 2008, Page 7. In the present case, independent claim 24 recites:

a reel carrier having a housing sized and shaped to locate comfortably within a users hand and having **a fixing component integral with the housing**, which fixing component is engageable with the fixing point;

Similarly, claim 19 requires “a housing comprising a fixing component.” Neither of these limitations is met by the combination of Tremblay and Nicholas and thus the base combination of references on which all of the rejections are based is insufficient.

The Examiner relies on Nicholas for a teaching of a retracting reel. Nicholas is very sparse in its disclosure of a retracting reel that moves with the belt since the primary embodiment actually depicted in one where the retracting reel is fixed. Indeed, Nicholas only states that retracting reels that travel with the belt were known in the art. The Examiner has offered no evidence of what kind of retractor that travels with the belt was known at the time of the Nicholas patent, nor has he offered any reasons as to why a person skilled in the art would assume or understand from Nicholas that the limitations of claims 24 and 19, in which the fixing component is part of the housing. Indeed, since the same spring loaded retraction mechanism is said to be used regardless of the position, it must be understood that the retraction occurs in response to a loss of tension on the belt. Thus, no requirement for a retractor that directly interacts with the fixing point can be inferred.

Because of this lack in the art, the rejection now presented do not address all of the limitations of the claims. Accordingly, no *prima facie* case of obviousness is presented.

Applicants further note the Examiner’s response to the arguments concerning the combination of references, stating that because “the seat belts are used for the same function, a teaching in one area can be used in the other,” (Office Action Page 3), but again disagree with this assessment. This argument oversimplifies the functional requirements of the two types of seat belts, and thus fails to consider the practical realities and the arts as a whole. As previously noted, stairlift chairs are used by person who have some degree of infirmity but who generally desire to maintain the greatest degree of independent possible. They do not need to deal with safety at high speeds, but they must be easily operated or they will not be used. In contrast, automobile safety belts and child safety seats are intended to provide a restraint system for automotive seats. Moreover, child safety seats are designed for persons totally dependent on outside assistance, and indeed may be configured to make outside assistance mandatory so that

somewhat older children cannot release themselves from the seat. Thus, when considered as a whole, belts for stair lift chairs have very different functional requirements and concerns than car seat belts. Therefore, the argument that a seat belt is a seat belt is inappropriate.

The Examiner has not offered any reasoning (beyond that it meets the limitations of the presented claims) which would lead a person skilled in the art to select the traveling reel feature from the Nicholas reference to combine into the stair lift seat belt of Tremblay. Nicholas does not teach any reasons for using a retractor in general or a traveling retractor in particular that are relevant to the needs of a stair lift chair seat belt. Indeed, retractors for car seat belts are likely to have inertial mechanisms, which cause the belt to lock in response to certain types of movements (like the rapid pull of a sudden stop) . This is not only unnecessary in the slow moving stair lift chair, but it is likely to give rise to user frustration that would lead to undesirable non-use by the chair occupant.

In view of the foregoing, Applicants submit that this application is now in form for allowance. Favorable reconsideration and allowance of all claims are respectfully urged.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Marina T. Larson", written in dark ink.

Marina T. Larson Ph.D.
PTO Reg. No. 32,038
Attorney for Applicant
(970) 262 1800